THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 16850 of 2006

08-09-2006

Between:-

Peddipinna Rajeshwaari and another.

Petitioners

And

The District Collector, Nellore district, Nellore and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 16850 of 2006

Oral order:

The writ petition is misconceived. No cause of action *in presenti* exists for grant of relief. What is assailed is a letter dated 24-12-2005 addressed by the Executive Secretary, Nellore District Water and Sanitation Committee (for short 'NDWSC'), Nellore to the Mandal Revenue Officer, Murkur Mandal, Nellore district informing the Mandal Revenue Officer that the District Collector, Nellore had issued orders for recovery of Rs. 2,90,000-00 of Government funds allegedly misused by the Village Water and Sanitation Committee (for short 'VWSC'), Daruvulapalem. The 1st petitioner, who is the Chairman of Water and Sanitation Committee, Doravulapalem village, Muthukur mandal, Nellore district, apprehends that on the basis of the impugned letter of the Executive Secretary,

NDWSC, Nellore, the 3rd respondent would initiate proceedings under the Revenue Recovery Act. The petitioners assert that there has been no mis-utilization of the Government funds and that the entire amount of Rs. 12,15,000-00 released to the VWSC has been expended in execution of the work entrusted to it.

As on date no action has been taken by the 3rd respondent under the Revenue Recovery Act. A private correspondence between the 2nd and 3rd respondents, which is not marked to the petitioners, cannot form the basis for any action or issuance of a Mandamus.

The writ petition is, on the aforesaid analysis, dismissed. As and when proceedings under the Revenue Recovery Act are initiated by the 3rd respondent or any other public authority, the petitioners may seek appropriate remedy before the appropriate forum. No costs.

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GODA RAGHURAM, J

Dated:08-09-2006
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